

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAURA M. PORTELA,)
Plaintiff)
vs.) C.A. NO. 05-10844-MEL
WAL-MART STORES EAST, LP,)
Defendant)

AMENDED COMPLAINT AND JURY CLAIM

JURISDICTION

1. The Federal District Court has diversity jurisdiction in this matter pursuant to the provisions of 28 U.S.C. §1332(a).

VENUE

2. Venue is proper in the United States District Court for the District of Massachusetts because a substantial part of the events which form the basis of this claim took place in this district and the defendant is subject to personal jurisdiction in this district.

PARTIES and FACTS

3. The plaintiff Laura M. Portela is an individual residing in Aguadilla, Puerto Rico.
4. The defendant Wal-Mart Stores East, LP. is a corporation duly organized and existing under the laws of the State of Arkansas with a principal place of business at 702 S.W. Eighth Street, Bentonville, Arkansas.
5. At all materials times, the defendant corporation owned and/or operated a Wal-Mart department store located at 700 Oak Street in Brockton, Massachusetts.
6. On or about June 2, 2002, the plaintiff was a patron of the defendant's store in Brockton, Massachusetts.

**PLAINTIFF LAURA M. PORTELA'S CLAIMS
AS TO THE DEFENDANT WAL-MART STORES EAST, LP.**

COUNT I - NEGLIGENCE

7. The plaintiff repeats and reavers the foregoing paragraphs as if each were set forth fully herein.
8. At all material times, the defendant owned, controlled and/or maintained the Wal-Mart store premises at 700 Oak Street, Brockton, Massachusetts.
9. The defendant had a duty to maintain its premises in a reasonably safe condition and free of all foreseeable defects and hazards.

10. On or about June 2, 2002, the defendant breached its duty by causing said premises to be in an unsafe condition, and/or by failing to properly warn members of the public who were lawfully on the premises of such unsafe condition.
11. On or about June 2, 2002, the plaintiff was caused to suffer severe personal injuries when she was injured due to a defective condition on the defendant's premises, which defective condition was the result of negligence attributable to the defendant, its agents, servants and/or employees.
12. As a direct and proximate result of the defendant's negligence, the plaintiff was caused to suffer and continues to suffer serious personal injuries including bodily pain and mental anguish, has incurred and will incur medical expenses for her care and attendance, has suffered lost wages and/or a loss of earning capacity, and has suffered an impairment to her ability to enjoy life and attend to her usual activities.
13. The plaintiff was at all times in the exercise of due care and free of all comparative or contributory negligence.
14. The plaintiff's damages in this action exceed the sum of \$75,000.00.
15. The plaintiff has satisfied all conditions precedent to the bringing of this action.

WHEREFORE, the plaintiff demands judgment against the defendant in the amount of her damages, plus interest, costs and attorney's fees.

JURY CLAIM

The plaintiff claims a trial by jury the causes of action as set forth herein.

Respectfully submitted,
By her Attorneys,

KECHES & MALLEN, P.C.


CHARLOTTE E. GLINKA
BBO # 559117
122 Dean Street
Taunton, MA 02780
(508) 822-2000

AmdCplt